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/Gudrun E. Huckett/

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**Gudrun E. Huckett, Patent Agent**

**Finance Deposit Account Division  
Commissioner for Patents & Trademarks  
Alexandria, VA 22313 - 1450**

**Re: Deposit Account 50-1199  
Gudrun E. Huckett**

**LETTER REQUESTING REFUND OF INCORRECTLY CHARGED FEE AMOUNT**

The undersigned in checking her deposit account statement found that a charge of \$120.00 (time extension fee - fee code 1251) was posted on November 1, 2006, in regard to Ser. No. 10/709,513 - docket No. A92988 (see enclosed statement copy).

An appeal brief was filed on October 11, 2006, in response to Notice of Panel Decision from Pre-Appeal Brief Review. The Notice of Panel Decision has reset the time for filing an appeal brief to be **one month from the mailing of said decision or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater.** The Notice of Appeal was filed 8/9/06 setting a two-month time period ending 10/9/2006; however, the Notice of Panel Decision was mailed 9/11/2006 (see enclosed copy) so that the one-month time period running from the mailing date of the Notice of Panel decision ends **10/11/2006.** The appeal brief was timely filed on **10/11/2006** so that no time extension fee was necessary for filing the appeal brief.

Therefore, it is respectfully requested that the amount of **\$120.00** charged erroneously be credited to my account immediately.

Respectfully submitted on November 7, 2006,  
/Gudrun E. Huckett/

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GEH/statement copy (1 page);copy of Notice of Panel Decision (2 pages);

PAGE 1/4 \*RCVD AT 11/7/2006 7:54:00 AM [Eastern Standard Time]\* SVR:USPTO-EFXRF-2/17\* DMS:2736500\* CSID:18774709712\* DURATION(mm:ss):01:58

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Deposit Account Statement

Requested Statement Month: November 2006  
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Name: GUDRUN E HUCKETT, PATENT AGENT  
Attention:  
Address: LONSSTR. 53  
City: WUPPERTAL  
State:  
Zip: 42289  
Country: GERMANY

DATE SEQ	REF TXT	POSTING ATTORNEY	DOCKET NBR	FEE CODE	AMT	BAL
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,513	03/11/2004	Klaus Probstch	A91988	3312
30001	7590	09/11/2006	EXAMINER	
GUDRUN E. HUCKETT DRAUDT			KENNEDY, JOSHUA T	
LONSSTR. 53				
WUPPERTAL, 42289				
GERMANY				
ART UNIT				
3479				
PAPER NUMBER				

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Eingang

21. Sep. 2006

Dr. Gudrun E. Draudt  
 US Patent Agent

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/709,613	FROHLICH, KLAUS
Daniel P. Stodola	Art Unit 3679	
Document Code - AP.PRE.DEC		

## Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed August 9, 2006.

1.  **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- The request does not include reasons why a review is appropriate.
- A proposed amendment is included with the Pre-Appeal Brief request.
- Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2.  **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

- The panel has determined the status of the claim(s) is as follows:  
 Claim(s) allowed: \_\_\_\_\_  
 Claim(s) objected to: \_\_\_\_\_  
 Claim(s) rejected: 1-12.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_

3.  **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4.  **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Daniel P. Stodola

DPS

(2) Joshua Kennedy

JK

(3) Michael Ferguson

(4) \_\_\_\_\_

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Document code: WFEE

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